IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:11cv102

THALIA D. COOPER,)
Plaintiff,)
v.) ORDER
LISA JOHNSON, et al.)
Defendants.)
)

Pending before the Court is Plaintiff's Motion for Leave to File Supplemental Complaint and Joinder of Claims [#13]. Plaintiff, who is proceeding *pro se*, filed her Complaint on May 2, 2011. Prior to the appearance of any of the Defendants in this action, she moved the Court for leave to file a supplemental complaint. The Court denied without prejudice Plaintiff's motion because she did not need leave of Court to file an amended complaint. (Order, Denying Mot. Joinder May 18, 2011.) In response to the Court's May 18, 2011, Order, Plaintiff filed a second Motion for Leave to File Supplemental Complaint and Joinder of Claims. Plaintiff, however, attached more than one proposed supplemental complaint to this document. It is unclear to the Court whether these documents are identical copies and, if not, which document Plaintiff intended to file as her Supplemental Complaint.

As the Court previously explained, Plaintiff may still amend her Complaint as of right under Rule 15, and she need not request leave of Court for doing so. <u>See</u> Fed. R. Civ. P. 15(a). According the Court **INSTRUCTS** Plaintiff as follows:

(1) Plaintiff shall file her Amended/Supplemental Complaint by June 3, 2011. This pleading should separately set forth each cause of action she intends to assert, as well as the factual allegations supporting each cause of action. In addition, this pleading should name all of the individuals and/or entities she asserts claims against. Plaintiff should include all of her claims in this pleading. Plaintiff need not request leave of Court for filing this pleading.

(2) Plaintiff shall serve her Amended/Supplemental Complaint on the each Defendant.

(3) The Court **INSTRUCTS** Plaintiff that future amended/supplemental complaints will only be allowed with prior leave of Court or the consent of the Defendants.

(4) The Court **DENIES without prejudice** Plaintiff's Motion [# 13].

Signed: May 24, 2011

Dennis L. Howell

United States Magistrate Judge

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